

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE
WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF
NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Kansas City District

FILE NUMBER: 200502440

REGULATORY PROJECT MANAGER: Matthew J. Mikulecky
PROJECT REVIEW/DETERMINATION COMPLETED:

Date: 30-Apr-2004
In the office Y (Y/N) **Date:**
At the project site N (Y/N) **Date:** 8 Sept. 2005

PROJECT LOCATION INFORMATION:

State: Kansas
County: Graham County
Center coordinates of site by latitude & longitudinal coordinates: Lat: 39-20-44 Lon: 100-2-30
Approximate size of site/property (including uplands & in acres): 160 acres.
Name of waterway or watershed: HUC 10260013-Upper South Fork Solomon

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream	X							3,500	
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary Or Approved X.

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

The isolated stream channel is currently farmed and located within a semi-arid region. It is represented on the USGS Morland quadrangle map as a blue line stream with no hydrologic connection to interstate or navigable waters of the United States.

The pasture area below (downstream) the farmed channel exhibits weak indications of concentrated flow with no clear ordinary high water mark (OHWM) or a consistently discernable bed and bank. The vegetated swale drains into a small pond with no evidence of a concentrated flow below the dam.

Review of the NRCS Soil Survey map, aerial photographs, onsite photographs and detailed information provided by the NRCS confirms that the identified drainage is isolated and Non-jurisdictional.